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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,079	01/14/2004	Michael Ian Birrell	139043-1	5345

7590

09/29/2005

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EXAMINER

DIXON, MERRICK L

ART UNIT	PAPER NUMBER
1774	

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/757,079

Applicant(s)

BIRRELL, MICHAEL IAN

Examiner

Merrick Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
MERRICK DIXON  
PRIMARY EXAMINER

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5-19-05; 4-4-05; 1-1.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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1. Claims 1-11, 14,17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 5, it is unclear if the long and continuous fibers are identical and the same. Applicants' use of the word, "or" brings about this problem. Applicants are requested to provide better claim language.

Claim 5 contains an improper Markush group.

Claim 14 refers to claim 15.

In claim 17, no process limitations are recited.

In claim 1, "long or continuous" is vague and indefinite.

Applicants are requested to provide better claim language.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent( EPO 0259121 A2)

The reference teaches the claimed process steps covering a core layer by at least two adjacent layers and heating same-page 4, lines 37-50.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent(EPO 0259121 S2).

The cited reference teaches the claimed invention including multilayered articles of specific density comprising orientated fibers distributed throughout adjacent layers- page 2, lines 33-52; page 13, line 11; page 3, lines 48-51; page 4, lines 2-14; figs 1-3. It is submitted the reference teaches similar fiber lengths as the relative word, "long" , as describing the fibers, is taught on page 3, lines 19-23 of the reference. It is thus submitted such fibers could be also considered as long. Concerning claims 2-4, the reference teaches similar fiber lengths in page 3, lines 19-23; figs 1-3. It is submitted and concerning claim 3, the claimed fiber lengths is a obvious design choice and would have been obvious in the cited reference, in the absence of unexpected results. Such lengths, involves mere changes in the fiber's length-In re Rose, 105 USPQ 237(CCPA 1955). Concerning claim 5, the reference teaches the claimed plastic material- page 2, lines 33-47; page 3, lines 8-11. concerning claims 6,7, the reference teaches the claimed article's thickness- page 13, lines 10-18. concerning claim 8, the reference teaches compatible layer material in page 3, lines 8-11. concerning claim 9, the reference teaches orientated fiber material- page 3, lines 46-54. the reference teaches the claimed fibers on page 3, lines 19-22; claim 4 as required by claims 10 and 11.

6. Claims 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent(EPO 0259121 A2)..

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The reference teaches process of laminating fiber reinforced layers together- page 13, lines 7-20; page 3, lines 1-4; page 3, lines 46-51.

7. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent(EPO 0259121 A2) in view of Mientus et al( US 6770360 B2). The primary substantially teaches the claimed invention included a multilayered article ,as discussed above, inter alla. The primary reference , however, fails to teach one of its layer be painted . The secondary reference to Mientus et al teaches that it is known in the art to include pigmented layers in similar types multilayered articles as taught by the primary reference- col 5, lines 2-12; col 43, lines 1-3; col 6, lines 37-46. It would have been obvious to one of ordinary skill in the art at the time the invention is made to combine the teachings of the secondary reference to Mientus et al and provide pigmented layers for the primary reference motivated by the desire to impart pleasing aesthetic properties thereto.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wahl et al( US 4931358) is cited of interest for its teachings as set forth.

9.

Applicants who wish to send a facsimile (draft copies) for the examiner's immediate review can do so by using the Examiner's personal fax number at 571-273-1520. The faxing of all papers must conform with the notice published in the Official Gazette, 1096

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O.G. 30 ( November 15, 1989). **NOTE: All facsimiles sent to the examiner's personal fax number should be in draft-forms and will be treated as informal.**

**Same facsimiles will not be entered** in the related applications unless otherwise agreed and noted by the examiner.

**The fax number for all other fascimile is 571-273-8300.**

Information about **the status of an application** may be obtained from the Patent Information Retrieval system (**Private PAIR**).

Status inquires for **published applications** may be retrieved from either **Private PAIR** or **Public PAIR**. Questions about the PAIR system should be directed to the Electronic Business Center at **866-217-9197**.

Any questions concerning the instant communication should be directed to Examiner Dixon, at 571-272-1520, Mondays to Thursdays, between 12 noon and 8 PM, eastern time . The examiner's supervisor, Mrs. Rena Dye, can be reached at 571-272-3186.



Merrick Dixon

Primary Examiner

Group 1700